



State of Connecticut

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Raised Bill No. 279
An Act Concerning Sentence Modification
Judiciary Committee Public Hearing – March 12, 2012

The Office of Chief Public Defender supports passage of *Raised Bill No. 279, An Act Concerning Sentence Modification*. This bill eliminates the requirement that a state's attorney concur with a defendant's motion for a hearing requesting a reduction or modification of a jail sentence that is greater than three years.

Currently, pursuant to Connecticut General Statute Sec. 53a-39, a defendant may, at any time during the period of a definite sentence of three years or less, request that the sentencing court, after a hearing and for good cause shown, modify or reduce the sentence. The motion for such a hearing requires no agreement or acquiescence from a state's attorney. However, if a defendant is serving a sentence of greater than 3 years, the agreement of a state's attorney is required before the defendant's motion may even be considered by the court.

The Office of Chief Public Defender believes that the requirement of an agreement by a state's attorney to the modification hearing itself, in cases of sentences greater than 3 years, is not justified. To permit one party to control access to the forum and judicial process runs counter to the principles that underlie our adversarial system. Moreover, the agreement requirement denies the court the opportunity to decide the sentence modification issue on its merits. By eliminating the required agreement, this bill properly places the decision on modification questions within the sound discretion of the court. The Office of Chief Public Defender believes that the court's discretion can only be properly exercised after an appropriate hearing where all parties are given the opportunity to present relevant information and evidence regarding any sentence modification request. For these reasons the Office of Chief Public Defender supports this bill.